

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 2, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone No. 06042

**PROPOSAL:** From AG Agriculture to I-1 Industrial

**LOCATION:** S. 25<sup>th</sup> and Saltillo Road

**LAND AREA:** 38.27 acres, more or less

**EXISTING ZONING:** AG Agriculture

**CONCLUSION:** The applicant intends to obtain a zoning change to operate a distribution and warehouse facility up to 300,000 s.f. and outlying pad sites. Staff finds this is acceptable subject to an annexation and development agreement that restricts the use of the site to distribution and warehouse facility and similar uses that will not require city utilities, and specifies improvements and controlled access.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

NW 1/4 of the NE 1/4 of Section 1-8-6, Lancaster County, Nebraska.

#### **EXISTING LAND USE:**

Vacant home and agricultural

#### **SURROUNDING LAND USE AND ZONING:**

North:	I-1	Industrial
South:	AG	Undeveloped
East:	AG	Residential/agricultural
West:	AG	Undeveloped

#### **COMPREHENSIVE PLAN SPECIFICATIONS:**

F-25 This property is designated as agricultural land uses by the Comprehensive Plan.

F-27- The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation.

The area is located in Tier II

F-28- Tier II: An area of approximately 47 square miles intended to serve the following purposes: (1) to define the geographic area the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and; (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas, Tier II should also remain in its present use in order to provide for future urban development.

#### **UTILITIES:**

This area is outside the Future Service Limit as identified by the Comprehensive Plan and will not be served with City utilities. The applicant proposes the use of wells to provide fresh water and septic or lagoon for wastewater treatment. In addition the site is large enough to provide on-site stormwater detention and may be graded so that it drains into a wetland area being developed to the south.

#### **TRAFFIC ANALYSIS:**

Both the County Engineer and Public Works Engineering Services have concerns with the potential impact on the road system such an intense use may cause. Saltillo Road is a rural paved road and S. 25<sup>th</sup> is an unpaved rural road.

Saltillo Road is classified as a minor arterial in the 2025 Comprehensive Plan. Saltillo Road from US-77 to S. 27<sup>th</sup> St. is shown as a proposed project for 2 lanes + turn lanes in the 2025 Comprehensive Plan.

#### **REGIONAL ISSUES:**

For the purposes of economic development, staff recognizes the need for such uses.

#### **ANALYSIS:**

1. This is a request for a change of zone to permit a distribution/warehouse facility up to 300,000 square feet and additional pad sites.
2. This area is outside the Future Service Limit and is within Tier II, but within the City's three-mile jurisdiction. The applicant is not requesting annexation or the extension of City services. However, the area should be annexed with the owner signing a development and annexation agreement. This will ensure that:

- The use will be limited to a distribution and warehouse facility and similar uses recognizing that the City has no plans to extend sanitary sewer and water to the area.
- The applicant will contribute impact fees toward permanent road improvements in the vicinity.
- Property and sales taxes will be paid to the City and Lincoln Public Schools
- Future costs and political problems from later annexation and transfer of school and fire jurisdiction is avoided.

Preliminary discussion with city departments indicate there are no extra-ordinary service costs that should result from this annexation.

3. A full scale, high intensity industrial use outside the City limits and Future Service Limit may put pressure on the City to provide services in this area before the City has planned to provide them at the expense of not being able to provide or extend urban services to areas which are within the Future Service Limit. Therefore the applicant must understand that the uses must be limited to uses not requiring City utilities.
4. Public Works Engineering Services and the County Engineer note that Saltillo Road may require reconstruction and turn lanes to safely permit turning movements and that S. 25<sup>th</sup> Street be paved if this request is approved, and Public works asks for the applicant to pay for these improvements.
6. Public Works also notes that the attached site plan shows driveway spacing that does not meet requirements for future arterial roads and that if this request is approved that it not imply approval of the site plan.
9. The Lincoln/Lancaster County Health Department requests that the applicant provide information regarding the quality and quantity of water the proposed well would provide if this change of zone is approved. At the Planning Commission's initial hearing of July 19 on this request, nearby owners of a kennel and hog farm expressed concern about the effect on their water supplies.
10. The Building and Safety Department notes that the site is in the New Growth Area and that part of the site is in a 100-year floodplain. Any development in the 100-year floodplain must comply with the requirements of LMC 27.53 Flood Regulations for New Growth Areas.
11. I-1 zoning for warehousing and distribution may be an appropriate use but not retail. Even though the site is not in the future service area and cannot be served with city utilities in the near future, warehousing and distribution could operate on a private system. Usually changes of zone to commercial and industrial are restricted to areas

inside the city limits, for many good reasons. The staff could recommend approval if the applicant signs an annexation and development agreement to annex the area and agree to road improvements, restrict the use to warehousing and distribution, and understanding that the city has no plans to expand utilities to the area in the near future. Staff also recommends the agreement provide for controls typically required as a part of land subdivision:

- 11.1 Stormwater drainage/detention plan as approved by Public Works.
- 11.2 Limitation of access along Saltillo Road as approved by Public Works.
- 11.3 Paved roads and/or other control measures as approved by health Department.
- 11.4 Construction of right and left turn lanes in Saltillo Road as approved by Public Works.
- 11.5 Dedicate appropriate rights of way.
- 11.6 Prohibit of off premise signs.

The annexation and development agreement should be signed prior to scheduling this application at City Council.

Prepared by:

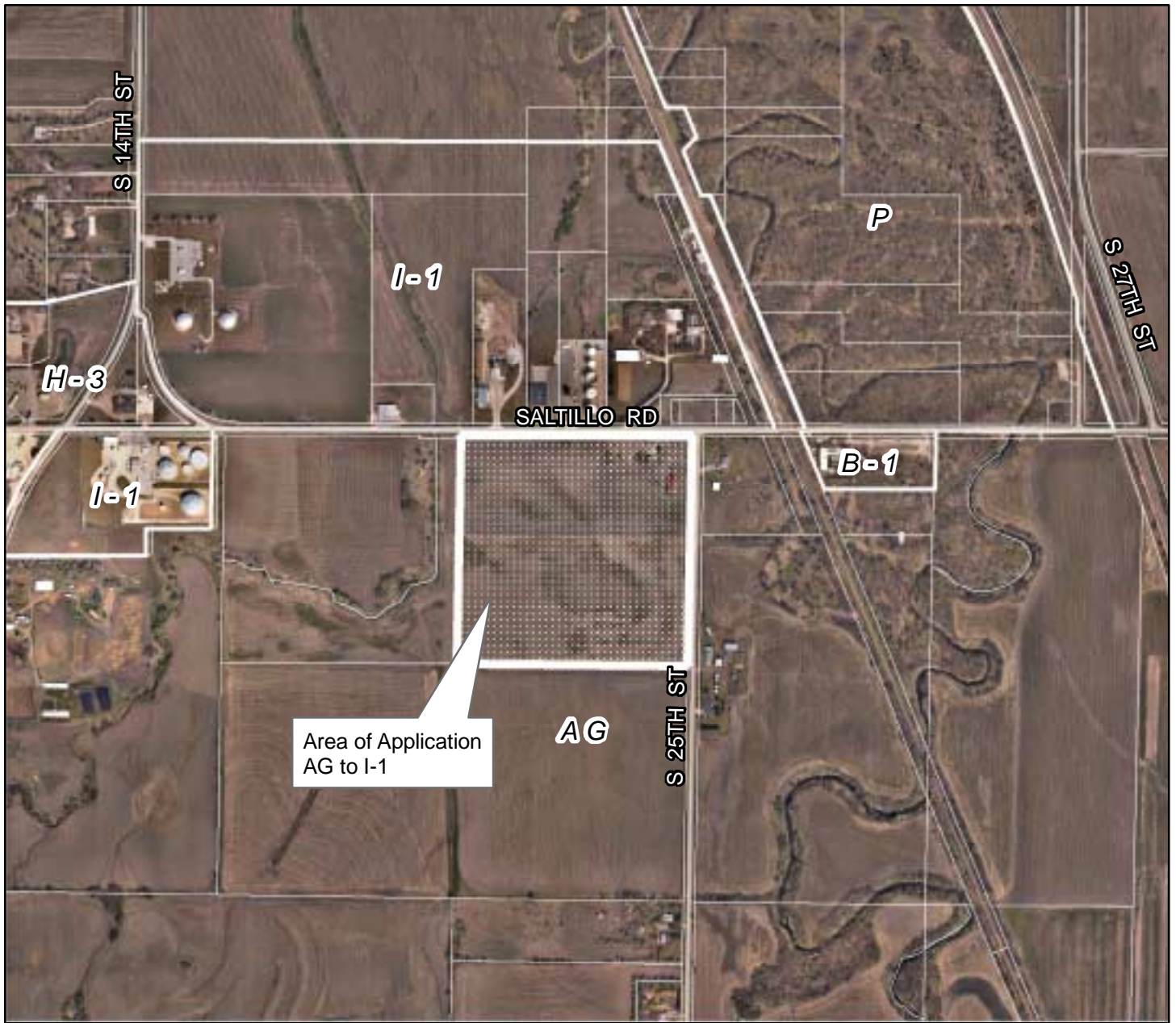
Tom Cajka  
Planner

**DATE:** July 25, 2006

**APPLICANT:** Western Hemisphere Holding  
2001 Pine Lake Road  
Lincoln, NE 68516

**OWNER:** same as above

**CONTACT:** Kent Seacrest  
Seacrest & Kalkowski, PC, LLO  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508  
(402) 435-6000



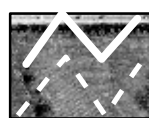
2005 aerial

## Change of Zone #06042 S 14th St & Saltillo Rd

### Zoning:

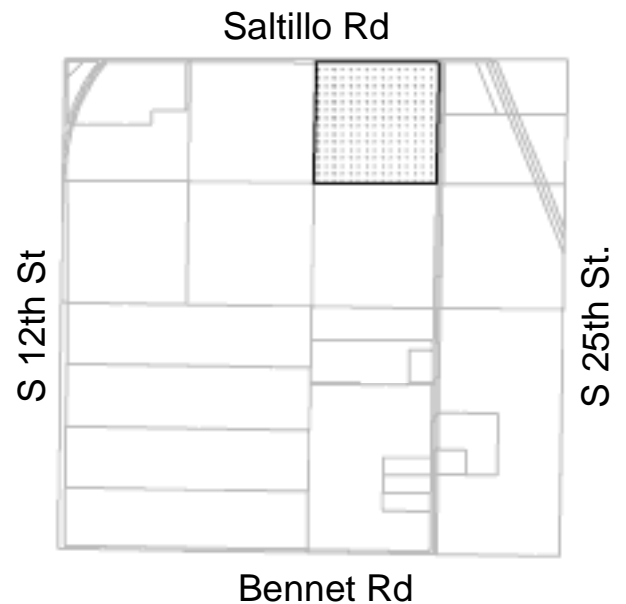
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 1 T08N R06E

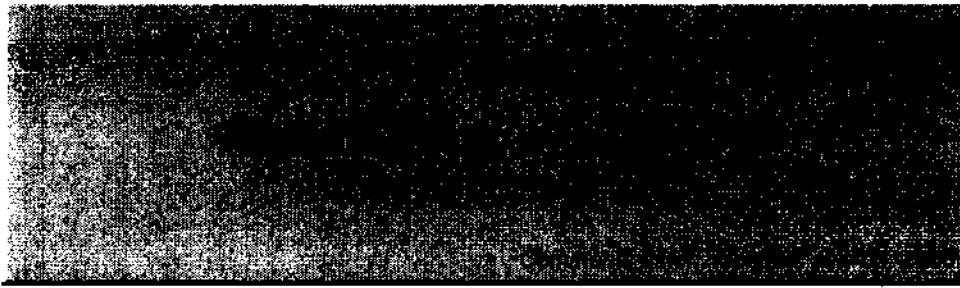


Zoning Jurisdiction Lines

City Limit Jurisdiction







Status of Review: Active

Reviewed By ANY

Comments:

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Status of Review: Complete

07/03/2006 10:00:06 AM

Reviewed By 911 ANY

Comments: CZ only. We reserve the right to approve/disapprove any street names proposed for the areas denoted as "future road".

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Status of Review: Active

Reviewed By Building & Safety ANY

Comments:

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Status of Review: Complete

06/29/2006 10:34:00 AM

Reviewed By Fire Department ANY

Comments: We have no objections from the perspective of our department. A concern is the the lack of fire facilities in the area that would allow us to provide the timely reponse that our citizens have grown accustomed to.

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Status of Review: Active

Reviewed By Health Department ANY

Comments:

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Status of Review: Active

Reviewed By Natural Resources District Any

Comments:

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Status of Review: Active

Reviewed By Nebraska Department of Roads ANY

Comments:

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Lancaster

County

Engineering


Department

**DON R. THOMAS - COUNTY ENGINEER**

DEPUTY- **LARRY V. WORRELL**  
COUNTY SURVEYOR

**DATE:** June 30, 2006

**TO:** Mike DeKalb  
Planning Department

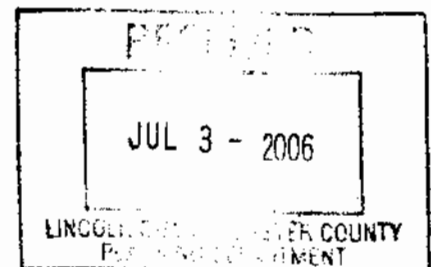
**FROM:** Larry V. Worrell   
County Surveyor

**SUBJECT:** CZ AG TO I-1 DISTRIBUTION FACILITY  
CZ06042

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Upon review, this office would have the following comments:

Saltillo Road would have to be reconstructed to accommodate left and right turns on Saltillo Road, plus right turn at South 25<sup>th</sup> Street. Also South 25<sup>th</sup> Street will have to be reconstructed and paved with turning lanes for the frontage of the property.



LW/pb

Phyllis/Zone/#06042 Change of Zone Distribution Facility mem.  
444 CHERRY CREEK ROAD, BLDG C

FAX # (402) 441-8892

LINCOLN, NEBRASKA 68528

(402) 441-7681





AREA 2  
SERVICE CENTER

R.R. 1 BOX 56  
ROCA, NEBRASKA 68430  
402/423-3855  
FAX 402/423-8090

June 29, 2006

Mike Dekalb, Project Planner  
555 S. 10<sup>th</sup> St. #213  
Lincoln, NE 68508


RE: CZ AG to I-1 DISTRIBUTION FACILITY

Dear Mike,

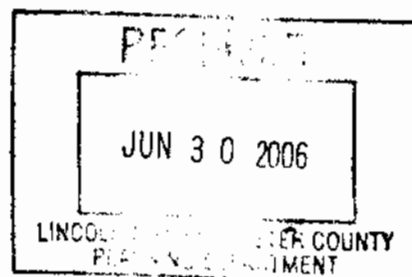
The Norris District has no objection to the proposed change in zoning. We request no easements at this time, but with regards to tract 2 | NE corner of section 1 | I assume we will have the opportunity to request easements on the plat as it's designed.

Thanks for your consideration in this matter.

Sincerely,



Rick Volmer, Staking Engineer



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

<b>TO:</b> Mike DeKalb	<b>DATE:</b> July 3, 2006
<b>DEPARTMENT:</b> Planning	<b>FROM:</b> Chris Schroeder
<b>ATTENTION:</b>	<b>DEPARTMENT:</b> Health
<b>CARBONS TO:</b> EH File EH Administration	<b>SUBJECT:</b> CZ AG to I-1 Distribution Facility CZ #06042

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

- The LLCHD requests information relative to applicant's assertion that wells in this proposed change of zone area will provide good quantity and quality of water.

# SEACREST & KALKOWSKI, PC, LLO

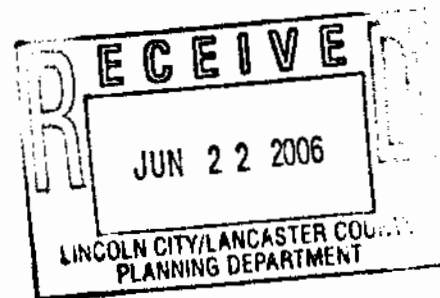
1111 LINCOLN MALL, SUITE 350  
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000  
FACSIMILE (402) 435-6100

KENT SEACREST  
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI  
E-MAIL: danay@sk-law.com

June 22, 2006



Marvin Krout  
Planning Director  
City of Lincoln - Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Change of Zone from AG to I-1; South Side of Saltillo Road between South 15<sup>th</sup>  
and South 25<sup>th</sup> Streets

Dear Marvin:

Our law firm represents NEBCO, Inc., a successor in interest to Union Title Five, LLC (collectively "NEBCO") and Western Hemisphere Holding Company, LLC ("Western Hemisphere"). NEBCO owns Tract 1 which is legally described on Exhibit "A" of the enclosed City of Lincoln Zoning Application (NEBCO Application). Western Hemisphere owns Tract 2 which is legally described on Exhibit "A" of the enclosed City of Lincoln Zoning Application (Western Hemisphere Application). The parties seek to rezone their respective tracts from AG Agricultural to I-1 Industrial District. Enclosed please find the two applications for rezoning along with the application fees. For reference, we are also enclosing copies of the Lancaster County Property Information map for each Tract.

NEBCO seeks to rezone Tract 1 in order to operate a concrete facility similar in nature to its facility near 50<sup>th</sup> & Highway 2. The proposed concrete facility would be centrally located to provide concrete products to Lincoln's rapidly growing south and southwest areas. In addition, the facility would be within a half of a mile from the new South Beltway which will aid construction of this vital transportation network. A concrete facility located near the South Beltway and West Beltway (US Highway 77) will reduce travel time, minimize congestion and help reduce wear and tear on local streets. The proposed location is well buffered on the west by the Williams pipeline tank facility, on the north by other I-1 land uses, the proposed Western Hemisphere land use and the south by other open space which immediately borders the South Beltway on the north. Because of these surrounding land uses, this area does not appear desirable for future residential uses.

Western Hemisphere seeks to rezone Tract 2 in order to operate a large distribution and warehouse facility and some small area retail services. The Angelou Strategic Plan developed for the Lincoln Economic Development Partnership identifies five key growth industries for Lincoln. Logistics, Warehouse and Distribution was one of these five key business sectors. Western Hemisphere seeks to use Tract 2 to help implement the Angelou Strategic Plan. The Tract could accommodate a single warehouse/distribution center up to 300,000 square feet in size and still have limited space for support retail/trade services. The site is ideal for transportation services because of its close proximity to the future interchanges of the South Beltway, West Beltway and Saltillo Road. Western Hemisphere believes the site would provide a convenient location for a major employer for Lincoln who desires a south and southwest Lincoln location.

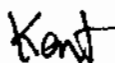
The principals of Western Hemisphere also are principal owners of Northern Lights LLC, which owns the waterway/flood plain/wetland tract (08-01-100-009-000) located between Tract 1 and Tract 2. Northern Lights will be adding wetlands to this tract in the near future.

The parties do not seek annexation or extension of City water or sewer services. The parties have studied the area and determine that wells will provide good quantity and quality of groundwater. Septic or lagoon wastewater treatment will properly and safely serve the proposed facilities. The tracts can be designed to have its stormwater properly detained for the 3 month (water quality event), 2-year, 10-year and-100 year storm events. In addition, large portions of the site can be graded to have the stormwater drain through a new wetland area that is being developed to the south of Tract 1. This will add additional protection to the water quality in the surrounding area, including Wilderness Park.

We have had several meeting with the Planning Department and Public Works Department to determine the proper access points to Tract 1 and Tract 2. Enclosed please find a map of the parties proposed access points (Exhibit "B"). We have also met with the Friends of Wilderness Park Committee and will set up a general briefing meeting with all our neighbors within the next ten days.

We look forward to working with the Planning Department and our neighbors on this proposal. If you have any questions in the meantime, please give me a call.

Very truly yours,



Kent Seacrest  
For the Firm

cc with enclosure:

Mayor Coleen Seng  
Jonathan Cook  
Randy Hoskins

Dennis Bartels  
Tim Gergen  
Mark Palmer

Bob Miller  
John Brager  
Tom White